

General Counsel  
Federal Election Commission  
999 E Street, NW  
Washington, D.C. 20463

**Complainant:**

Jeffrey S. Smith  
2650 Anthony Court  
Easton, PA 18045

**Respondents:**

Michael Moore  
C/o Lions Gate Films  
2700 Colorado Blvd.  
Santa Monica, CA 90404

Lions Gate Films  
2700 Colorado Blvd.  
Santa Monica, CA 90404

Weinstein Brothers  
C/o Lions Gate Films  
2700 Colorado Blvd.  
Santa Monica, CA 90404

Fellowship Adventure Group  
C/o Lions Gate Films  
2700 Colorado Blvd.  
Santa Monica, CA 90404

IFC Entertainment  
A subsidiary of Cablevision Systems Corporation  
930 Soundview Ave  
Bronx, NY 10473

MUR # 5539

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FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL  
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**Complaint**

1. Upon information and belief, each of the Respondents identified above are fully/partially responsible for the release of the movie "Fahrenheit 9/11".
2. Upon information and belief, "Fahrenheit 9/11" is a diatribe of President George W. Bush and/or his policies and/or his Administration.

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3. Upon information and belief, "Fahrenheit 9/11" constitutes "a communication expressly advocating the defeat of a clearly identified candidate", namely George W. Bush.
4. 11 CFR 100.16 defines the term "Independent expenditure" as follows:

**§ 100.16 Independent expenditure (2 U.S.C. 431(17)).**

(a) The term *independent expenditure* means an expenditure by a person for a communication expressly advocating the election or defeat of a clearly identified candidate that is not made in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate, a candidate's authorized committee, or their agents, or a political party committee or its agents. A

5. 11 CFR 100.17 defines "Clearly identified" as follows:

**§ 100.17 Clearly identified (2 U.S.C. 431(18)).**

The term *clearly identified* means the candidate's name, nickname, photograph, or drawing appears, or the identity of the candidate is otherwise apparent through an unambiguous reference such as "the President," "your Congressman," or "the incumbent," or through an unambiguous reference to his or her status as a candidate such as "the Democratic presidential nominee" or "the Republican candidate for Senate in the State of Georgia."

6. 11 CFR 100.22 identifies "Expressly advocating" as follows:

**§ 100.22 Expressly advocating (2 U.S.C. 431(17)).**

*Expressly advocating* means any communication that—(a) Uses phrases such as "vote for the President," "re-elect your Congressman," "support the Democratic nominee," "cast your ballot for the Republican challenger for U.S. Senate in Georgia," "Smith for Congress," "Bill McKay in '04," "vote Pro-Life" or "vote Pro-Choice" accompanied by a listing of clearly identified candidates described as Pro-Life or

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